

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**GINGER P. ELDER**

**PLAINTIFF**

**v.**

**Case No. 3:19-cv-00155 KGB**

**CINDY GILLESPIE, Director, Arkansas  
Department of Human Services in her  
official and individual capacity, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court is a second motion to stay discovery filed by defendants Cindy Gillespie, Director of the Arkansas Department of Human Services (“ADHS”) in her official and individual capacity; Craig Cloud, Director of the Division of Provider Services and Quality Assurance of ADHS in his official and individual capacity; Richard Rosen, Managing Attorney for the Office of Chief Counsel of ADHS in his official and individual capacity; David Sterling, Chief Counsel of ADHS in his official and individual capacity; Mark White, Deputy Director of the Division of Aging, Adult, and Behavioral Health Services in his official and individual capacity; and Jerald Sharum, Director of the Division of Provider Services and Quality Assurance of ADHS in his official capacity (collectively “defendants”) (Dkt. No. 37). In the motion, defendants request a stay of discovery pending this Court’s ruling on their motion to dismiss plaintiffs’ consolidated complaint (*Id.*, ¶ 5). Defendants state that they had previously sought a motion to stay discovery in this matter while the Court considered their initial motion to dismiss (*Id.*, ¶ 7). Defendants further state that until March 19, 2021, when plaintiffs propounded discovery on defendants, no discovery had been conducted in this matter (*Id.*). In the alternative, defendants request that this Court grant an extension of time up to and including 30 days to tender objections and/or requests to plaintiffs’ pending discovery request (*Id.*).

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, district courts have broad discretion to stay discovery. *Steinbuch v. Cutler*, 518 F.3d 580, 588 (8th Cir. 2008) (citing *Lakin v. Prudential Sec., Inc.*, 348 F.3d 704, 713 (8th Cir. 2003)); see also *Maune v. Int'l Bhd. of Elec. Workers*, 83 F.3d 959, 963 (8th Cir. 1996) (upholding the district court's granting of a party's request to stay discovery); *Blair v. Douglas County*, No. 8:11CV349, 2013 WL 2443819, at \*1 (D. Neb. June 4, 2013) (“[I]t is a settled proposition that a court has broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined.”).

On March 31, 2021, the Court entered an Order denying defendants' motion to dismiss (Dkt. No. 38). On April 13, 2021, defendants filed an interlocutory appeal of this Court's March 31, 2021, Order (Dkt. No. 39). Defendants' appeal remains pending before the United States Court of Appeals for the Eighth Circuit. On July 20, 2021, the Court on its own motion entered an Order removing this case from the trial calendar for the week of August 16, 2021, and staying all unexpired pretrial deadlines (Dkt. No. 43). Based on these events, the Court denies as moot defendants' second motion to stay discovery (Dkt. No. 37). The Court will enter an amended final scheduling order by separate order.

It is so ordered this 28th day of February, 2022.



Kristine G. Baker

United States District Judge